

1 37. (New) An architectural molding according to claim 1, said molding further compris-
2 ing a release strip releasibly adhered to said layer of pressure sensitive adhesive.

1 38. (New) An architectural molding according to claim 1, said rear side having a rear
2 surface profile, said rear surface profile having a step, said step having a first surface, said step
3 being oriented such that, when said molding is installed at said intersection of said wall and said
4 ceiling, said first surface will be substantially parallel with said wall and the bottom of said first
5 surface will form a corner with an intersecting surface.

REMARKS

Applicant's counsel thanks the Examiner for the very careful consideration given the application. Applicant's counsel also thanks the Examiner for the courteous telephone interview conducted on June 8, 2001, in which an amended claim 1 and two proposed new independent claims were discussed. The references discussed were Johnson, Finefrock and Logan. It was pointed out by applicant's counsel during the interview that Finefrock and Logan do not teach a flexible foam as is required by the present claims. The Examiner suggested an approach to define over Johnson emphasizing the surface configuration of the front surface profile; claim 1 has now been amended in accordance with the Examiner's suggestion.

To assist the Examiner, the front surface profiles and the rear surface profiles are discussed in the specification at page 4, lines 9-14. Support for the amendment to claim 1 can be found in the specification at page 5 lines 3-7. Support for claim 26 can be found in Fig. 5. Support for claim 27 can be found in Figs. 1 and 5. Support for claim 30 can be found at page 5 lines 10-12. Support for claims 32-33 can be found at page 6 lines 20-35. Support for claim 34 can be found at page 7 lines 25-27. Support for claim 35 can be found in Figs. 1 and 5. Support for claim 36 can be found at page 7 lines 18-27. Support for claim 38 can be found in Figs. 1, 6 and 9. Regarding claim 38, the step can be seen in Fig. 6 between the terminal points of lead lines 46 and 20; in Fig. 1 the step can be seen between the terminal points of lead lines 20 and 18. The "first surface" in claim 38 is the vertical surface in the middle of the step; the "corner" in claim 38 is the corner which can be seen at the bottom of the first surface where an intersecting surface comes in from the left.

In response to the restriction requirement set forth in the Office action, applicant hereby affirms its election of the invention of Group I, being claims 1-15. Applicant is retaining claims

16-19 and 23 in the case, since these claims are directed to a method of installing an architectural molding. Once allowable subject matter is indicated with respect to the article claims, applicant intends to amend the method claims accordingly and then request that the method claims be rejoined with the article claims.

The Examiner has rejected the claims as anticipated or obvious in view of Johnson (U.S. 3,200,547). Claim 1 has now been amended to more clearly define over Johnson. Claim 1 now requires that the front side of the molding have a front surface profile selected from the group consisting of the front surface profiles of crown molding and cove molding. At page 5 lines 3-7 of the specification, it is stated that "Various front surface profiles for crown and cove moldings can be used, such as those illustrated in molding catalogues from Hiland Wood Products, Walnut Creek, Ohio and American Hardwood, Columbia Station, Ohio, which are known in the art and which are incorporated herein by reference." Applicant encloses herewith the referenced molding catalogs from Hiland Wood Products and American Hardwood. The enclosed copies were in existence as of the filing date of the present application, and applicant's counsel requests that these two catalogs be made of record in this application. Turning first to the American Hardwood catalog, the Examiner's attention is directed to pages 15-20, which illustrate various front surface profiles of crown molding. The Hiland Wood Products catalog consists of two sections, section §§ 1-9, followed by pages 1-33. In the second set of pages, the catalog illustrates various front surface profiles of crown and cove moldings at pages 13-16. As can be seen, front surface profiles of crown and cove moldings are well known in the art and Johnson does not have any front surface profile which corresponds to crown molding or cove molding. For this reason, claim 1 as now presented clearly defines over Johnson. For the Examiner's information, it is also pointed out that new claims 28, 29, 31, 34 and 37 also specifically define over Johnson.

In paragraph 17 of the Office action, the claims have been rejected as anticipated by Spector (U.S. 4,567,091). The claims as now presented define over Spector for the same reasons they define over Johnson.

In paragraph 20 of the Office action, the claims have been rejected over Finefrock (U.S. 3,408,250). The claims as now amended define over Finefrock for the same reasons they define over Johnson. In addition, claim 1 as now amended specifically requires that the architectural molding be capable of being effectively installed as architectural molding at the intersection of a wall and a ceiling. Finefrock is clearly not suitable for this application because it is made of a

heavy material (extruded rubber or other elastomeric material; see column 2, lines 63-65), not flexible plastic foam as required by present claim 1. The heavy rubber baseboard molding strip of Finefrock is clearly not suitable for attaching via pressure sensitive adhesive to the intersection of a wall and a ceiling. Being heavy rubber, it would tend to pull free from the wall/ceiling intersection and fall to the floor. Claim 1 requires the use of a flexible plastic foam member, not a solid rubber material, so that lightweight characteristics can be achieved so that the architectural molding will not pull free from the ceiling and fall to the floor.

In paragraph 21 of the Office action, the Examiner rejects the claims in view of Logan (U.S. 5,496,512). Claim 1 as now amended defines over Logan for the same reasons that it defines over Johnson and Finefrock. In addition, it is pointed out that Logan is made of molded plastic material such as polystyrene, which is vacuum or pressure formed into thin flexible strips (see column 2, lines 38-42). This clearly is not the flexible plastic foam required by present claim 1. It is also very thin, and certainly does not have the thickness required by dependent claims 32 and 33. For this reason the claims now define over Logan.

For all the foregoing reasons, it is believed that the claims as now presented clearly define over the applied references, and a Notice of Allowance is respectfully requested. If the Examiner believes that the claims do not sufficiently define over the references, applicant's counsel requests the Examiner to call applicant's undersigned counsel so that a telephone interview can be conducted in which appropriate limitations can be added to the claims to permit this application to go forward.

If there are any further fees required in connection with this communication which are not covered by an enclosed check, please charge the same to Deposit Account No. 16-0820, Order No.30349.

Respectfully submitted,

PEARNE & GORDON LLP

By John P. Murtaugh
John P. Murtaugh, Reg. No. 34226

526 Superior Avenue East
Suite 1200
Cleveland, Ohio 44114-1484
(216) 579-1700
Date: 6-15-01



INDICATION OF REVISIONS TO CLAIMS 1, 3 and 12
IN U.S. PATENT APPLICATION SERIAL NO. 09/337,243

1 1. (Amended) An architectural molding, ~~said molding~~ comprising : an extruded flexible
2 plastic foam member and a layer of pressure sensitive adhesive, said flexible plastic foam
3 member having a front side ; and a rear side ; ~~and a cross sectional profile; a said layer of~~
4 pressure sensitive adhesive ~~affixed to~~ being disposed on at least a portion of said rear side, ~~and~~
5 ~~a release strip releasibly adhered to said layer of pressure sensitive adhesive. said front side~~
6 having a front surface profile selected from the group consisting of the front surface profiles of
7 crown molding and cove molding, said architectural molding being capable of being effectively
8 installed as architectural molding at the intersection of a wall and a ceiling.

1 3. (Amended) A molding according to claim 1, ~~wherein~~ said foam member having a cross
2 sectional profile which provides nesting of multiple layers of said molding.

1 12. (Amended) A molding according to claim 1, ~~wherein~~ said foam member having a
2 cross sectional profile which is constant.